

**REMARKS/ARGUMENTS****1.) Examiner Interview**

An Examiner Interview was conducted on March 16, 2010, with Examiner Amirmokri; although reportedly scheduled to be on the call, the Examiner's SPE, Patrick Edouard, did not participate. During the call, the undersigned indicated why the Examiner's "Response to Arguments" provided in the Final Office Action dated January 28, 2010, did not add support to the Examiner's originally-stated basis for rejection, nor substantively respond to the Applicants' arguments traversing that basis for rejection. The Applicants submit hereinafter those original arguments, supplemented in view of the discussions with the Examiner during the Examiner Interview. It is respectfully requested that the Examiner reconsider the substantive basis for the claim rejections in view of the cited prior art.

**2.) Claim Rejections – 35 U.S.C. §103(a)**

The Examiner rejected claims 11, 12, 15 and 16 as being unpatentable over RP-020384 (3GPP TSG-RAN meeting #16, "Issues with RRC CR 1478 on measurements," June 7, 2002) in view of Hur, *et al.* (U.S. Patent No. 7,324,479); claims 13 and 17 as being unpatentable over RP-020384, Hur and Schwarz, *et al.* (U.S. Patent No. 7,248,889); and claims 14 and 18 as being unpatentable over RP-020384, Hur and Choi, *et al.* (U.S. Patent No. 7,031,277). The Applicants have amended claims 11 and 15 to include the subject matter of claims 13 and 17, respectively, which have been cancelled, and changed the dependencies of claims 14 and 18 to depend from claims 11 and 15, respectively. Accordingly, the Applicants will address the rejection of claims 11 and 15 in view of the Examiner's stated reasons for rejection of claims 13 and 17.

Claim 11, as amended to include the limitations of claim 13, recites:

11. A method in a Radio Network Controlling unit in a mobile telecommunication network for including a detected set cell in an active set, wherein said detected set cell is a cell not identified by the network and said active set is the set comprising the base stations simultaneously connected to the same mobile terminal in soft handover, said method comprising the steps of:

receiving a measurement report comprising a detected set cell from a mobile terminal located in a first cell;

providing a list for the first cell in the network with cells not defined as neighboring cells to the first cell, wherein the cells in the list are grouped based on their scrambling codes;  
 identifying the scrambling code of the detected set cell;  
 creating a temporary relation between one of the cells in the list having an identical scrambling code as the detected set cell and one cell in the AS; and,  
 adding the one of the cells in the list having an identical scrambling code as the detected set cell to the active set;  
determining if the added cell in the list corresponds to the detected set cell by performing uplink synchronization and, if uplink synchronization is achieved:  
confirming that the detected set cell is the added cell of the list;  
converting the temporary relation into a permanent relation; and,  
removing the added cell from the list; and,  
if uplink synchronisation is not achieved, putting the added cell in a specific position of the list. (emphasis added)

As the Examiner acknowledged in the Office Action dated July 22, 2009, RP-020384 and Hur do not teach the limitations of claim 13, now incorporated in claim 11. To cure that deficiency, the Examiner looked to the teachings of Schwarz. Schwarz is directed to "providing an enhanced method and device for controlling the power in an asymmetric soft handover situation" (Column 2, lines 59-60). Schwarz, however, **does not describe techniques for including a detected set cell in an active set**, much less the claimed method, including the steps of:

determining if [an] added cell in a list corresponds to a detected set cell by performing uplink synchronization and, if uplink synchronization is achieved:  
confirming that the detected set cell is the added cell of the list;  
converting the temporary relation into a permanent relation;  
and,  
removing the added cell from the list; and,  
if uplink synchronisation is not achieved, putting the added cell in a specific position of the list. (emphasis added)

**An electronic search of Schwarz for the term "list," in fact, does not return any occurrences.** Thus, it is not possible that Schwarz teaches the claim limitations involving the **removing from a list**, or **placing in a specific position in such list**, nor

the identity of a cell. **Furthermore, Schwarz does not teach converting a temporary relation [between one of the cells in the list having an identical scrambling code as the detected set cell and one cell in the AS] into a permanent relation.** A review of the referenced portion of Schwarz reveals the terms "uplink synchronization" and "temporarily," while the claimed limitations include "uplink synchronization" and "temporary," there does not appear to be any teaching in Schwarz of the particular functions recited in claim 13 as incorporated into claim 11.

### **Examiner Interview**

During the Examiner Interview, the Examiner indicated that Schwarz may not, in fact, use the term "list," as noted by the Applicants from an electronic search thereof. In responding to Applicants' arguments, however, the Examiner merely restated what is claimed and asserted that it was taught by Schwarz. The Examiner did not provide **any** arguments as to any similar technical terms, or functions, in Schwarz that the Examiner believed were the same as, or analogous to, those recited in claim 13 as incorporated into claim 11. Therefore, **the Examiner has not established a prima facie case of obviousness of claim 11,** and it is respectfully requested that the Examiner reconsider the rejection thereof in view of RP-020384, Hur and Schwarz.

Whereas independent claim 15 recites limitations analogous to those of claim 11, it is also not obvious over RP-020384, Hur and Schwarz. Furthermore, whereas claims 12 and 14 are dependent from claim 11 and claims 16 and 18 are dependent from claim 15, and include the limitations thereof, they are also not obvious in view of those references, or further in view of Choi.


\* \* \*

**CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 11, 12, 14-16 and 18.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

  
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